

Application for removal or variation of a condition following grant of
planning permission. Town and Country Planning Act 1990.
Planning (Listed Buildings and Conservation Areas) Act 1990

Publication of applications on planning authority websites.

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

1. Site Address

Number	2
Suffix	
Property name	Anchors Cast
Address line 1	Fosters Close
Address line 2	
Address line 3	
Town/city	Rustington
Postcode	BN16 2TL
Description of site location must be completed if postcode is not known:	
Easting (x)	506239
Northing (y)	101568
Description	

2. Applicant Details

Title	Mr
First name	Daniel
Surname	Lecuyer
Company name	
Address line 1	Anchors Cast
Address line 2	2 Fosters Close
Address line 3	
Town/city	Rustington

2. Applicant Details

Country	
Postcode	BN16 2TL
Are you an agent acting on behalf of the applicant?	☐ Yes ☒ No
Primary number	
Secondary number	
Fax number	
Email address	Danlec01@yahoo.com

3. Agent Details

No Agent details were submitted for this application

4. Description of the Proposal

Please provide a description of the approved development as shown on the decision letter

Alterations and extension to conservatory, first floor side extension, balcony area at first floor, alteration of windows on rear first floor to create Juliet balconies, balcony doors & new window on ground floor side elevation

Reference number

R/12/19/HH

Date of decision (date must be pre-application submission)

30/08/2019

Please state the condition number(s) to which this application relates

Condition number(s)

3

Has the development already started?

☒ Yes ☐ No

If Yes, please state when the development was started (date must be pre-application submission)

13/05/2020

Has the development been completed?

☐ Yes ☒ No

5. Condition(s) - Removal/Variation

Please state why you wish the condition(s) to be removed or changed

In the first instance, although ignorance is no defence, we did not know we had this condition regarding the balcony nor did we even know of this planning reference; We only thought we had Building Regulation conditions, all of which we have satisfied. Our apologies. We have had the balcony constructed and installed, previous to noting we had this condition imposed and only installed this balcony a week ago.

I went round to our neighbours of 3 Fosters close, to discuss the fact that we had only installed glass to the height of 1.3m and apologised as the condition was imposed solely to satisfy the issue of possible overlooking into number 3. However, due to very little overlooking and after cordial discussion, involving Arun District Council also, the neighbours have confirmed and agreed that they would be more than happy to keep the balcony glass height as is, (1.3m) in obscured glass. There is therefore no need to have all the glass remade to 1.8m at a cost over nearly £3000 to satisfy a condition that is not needed or affecting the party that the condition was there to protect. We have also planted mature trees and replaced the entire fenceline, on the neighbours side which provides good shielding and the trees will grow up to provide further cover. Photos, an explanatory email and apologies have been sent to Arun Council and it is the Planning team Leader and officer Amber Willard who have replied with the following:

"I forwarded your photos to the team leader and advised him of the proposal to reduce the balcony on this side to 1.3m, I copy his response below:

'Looking at the photographs it would appear that there would be acceptable overlooking towards neighbour. I suggest that a variation of condition application ought to be submitted on a without prejudice basis.'

Following this, I advise you to submit an application which is for a 'variation of a condition'. You want to vary it so it reads that the balcony screening to the western elevation will be obscured glazed to a height of 1.3m. (instead of 1.8m).

5. Condition(s) - Removal/Variation

I would also advise having this condition approved prior to ordering the new screening in case any issues arise later on"

Based on this advise and successful agreement with neighbours and Council, we seek the variation.

If you wish the existing condition to be changed, please state how you wish the condition to be varied

The balcony screening to the western elevation will be obscured glazed to a height of 1.3m. (instead of 1.8m).

6. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

☒ Yes ☐ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- ☒ The agent
☒ The applicant
☐ Other person

7. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

☒ Yes ☐ No

If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):

Officer name:

Title	Ms
First name	Amber
Surname	Willard
Reference	R/12/19/HH

Date (Must be pre-application submission)

22/01/2021

Details of the pre-application advice received

As previously stated:

"Looking at the photographs it would appear that there would be acceptable overlooking towards neighbour. I suggest that a variation of condition application ought to be submitted on a without prejudice basis."

Following this, I advise you to submit an application which is for a 'variation of a condition'. You want to vary it so it reads that the balcony screening to the western elevation will be obscured glazed to a height of 1.3m. (instead of 1.8m).

I would also advise having this condition approved prior to ordering the new screening in case any issues arise later on.

8. Ownership Certificates and Agricultural Land Declaration

CERTIFICATE OF OWNERSHIP - CERTIFICATE A - Town and Country Planning (Development Management Procedure) (England) Order 2015 Certificate under Article 14

I certify/The applicant certifies that on the day 21 days before the date of this application nobody except myself/the applicant was the owner* of any part of the land or building to which the application relates, and that none of the land to which the application relates is, or is part of, an agricultural holding**

* 'owner' is a person with a freehold interest or leasehold interest with at least 7 years left to run. ** 'agricultural holding' has the meaning given by reference to the definition of 'agricultural tenant' in section 65(8) of the Act.

NOTE: You should sign Certificate B, C or D, as appropriate, if you are the sole owner of the land or building to which the application relates but the land is, or is part of, an agricultural holding.

Person role

- ☒ The applicant
☐ The agent

Title

8. Ownership Certificates and Agricultural Land Declaration

First name	Daniel
Surname	Lecuyer
Declaration date (DD/MM/YYYY)	26/01/2021

☒ Declaration made

9. Declaration

I/we hereby apply for planning permission/consent as described in this form and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them. ☒

Date (cannot be pre-application)	26/01/2021
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